



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/528,198

09/19/2005

Christian Bertin

127534

7021

25944 7590 02/06/2008
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER

SAINT CYR, JEAN D

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

02/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,198

Applicant(s)

BERTIN, CHRISTIAN

Examiner

Jean D. Saintcyr

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

1. Claims 1-26, filed 09/19/2005, are presented for examination.

Claims Objection

Claims 25 and 26 are objected to because of the following informalities: The format of these two claims combines two statutory classes: method and apparatus. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8, 13-14 and 17-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kambayashi et al, US Patent No. 6157809.

Re claim 1, Kambayashi et al disclose a method(a method for using the broadcasting system having the constitution as shown in FIGS. 1, 8, 22 and 24. In the foregoing broadcasting system, information is transferred from the broadcasting station 1 mainly at audience's request, col.21, lines 45-49) of acquiring description data(see fig.12, element 11, program information; fig. 12 is a view illustrating an example of information transmitted from the broadcasting station server and displayed by the display device of the receiving terminal, col.9, lines 62-67) for broadcast audiovisual content(receives the video signal from the broadcasting station, col.19, lines 7-8), the method comprising:

a step of acquiring and storing in a receiver terminal at least one initial information(see

fig.24, element 2e, information storage unit) request comprising an address (see fig.17, DATA Xia; storing channel information and address information of a broadcasting station server corresponding thereto. The section 2c-2 retrieves the destination information, referring to the table of FIG. 6, based on the channel information of the terminal information supplied from the information acquisition section 2c-1, and supplies the destination information to the server access section 2c-3, together with the event ID and terminal information, col.12, lines 41-48) of at least one audiovisual content description server(see fig.1, element 1b, program database server);

a step of generating at least one information request on the basis of the initial information request(both dispersion of accesses from an audience to the center and distribution of information from the center to the audience at audience's request in accordance with an amount of information, can easily be controlled, col.22, lines 15-18; that means receiver terminal sent request to server information and server information sent response to receiver terminal);

a step in which the receiver terminal transmit the information request to the server of audiovisual content descriptions(both dispersion of accesses from an audience to the center and distribution of information from the center to the audience at audience's request in accordance with an amount of information, can easily be controlled, col.22, lines 15-18; that means receiver terminal sent request to server information and server information sent response to receiver terminal); and

a step of the receiver terminal receiving description data supplied as a function of elements of the request(distribution of information from the center to the audience at audience's request, col.2, lines 1-3; that means the terminal receiver receives information from the database information server).

Re claim 2, Kambayashi et al disclose wherein during the reception step , audiovisual content description data is supplied as a function of a relationship between at least one date and time associated with the request and the broadcast date and time of the audiovisual content(see fig.23, broadcast time screen).

Re claim 3, Kambayashi et al disclose wherein the date and time associated with the request corresponds to the date and time at which the request is transmitted (terminal time, col.13, line 34).

Re claim 4, Kambayashi et al disclose the request as transmitted is identical to the initial request (causing the processor to transmit the ID of the event and the terminal information to the broadcasting station server through a two-way communication line based on the acquired destination information, col.7, lines 35-38).

Re claim 5, Kambayashi et al disclose wherein during the request generation step, the initial request is extended by specifying at least one date and time (specific time, col. 10, lines 43-44)

Re claim 6, Kambayashi et al disclose during the reception step, the data supplied is that corresponding to audiovisual content broadcast at the date and time specified in the request (Upon receiving the event ID from the event acquisition section 2d-1, the event generation section 2d-2 reads terminal information such as the currently-selected channel information, the terminal ID of the receiving terminal 2, the present time, terminal time, and location, col.12, lines 24-28; that means time was associated with the request).

Re claim 7, Kambayashi et al disclose wherein during the request generation step, the initial request is expanded by specifying a number of content items, and in that during the reception step, the data supplied corresponds to the requested number of audiovisual content items broadcast starting from the date and time specified in the request (see fig.25, element 2a-4, event starting section).

Re claim 8, Kambayashi et al disclose wherein during the request generation step,

the initial request is extended by specifying a time interval, and in that during reception step, the data supplied relates to audiovisual content broadcast in the time interval specified in the request(time interval in the main video signal, col.11, line 59).

Re claim 13, Kambayashi et al disclose wherein the step of acquiring and storing an initial request comprises downloading said request from a description server(the program information is previously downloaded from the broadcasting station server 1c to the information storage unit 2e of the receiving terminal, col.19, and lines 62-64).

Re claim 14, Kambayashi et al disclose wherein the step of acquiring and storing an initial step comprises the receiver terminal receiving said initial request via a signaling channel (see fig.1, element 4, communication line)associated with an audiovisual content broadcast channel(broadcasting channels, col.12, lines 65-66).

Re claim 17, Kambayashi et al disclose wherein the request is associated with a single(see fig.7, channel 1; that means every request has a channel associated with it) audiovisual content broadcast channel(broadcasting channels, col.12, lines 65-66).

Re claim 18, Kambayashi et al disclose wherein while generating the request for transmission, a set of broadcast channels is defined(a plurality of broadcasting channel, col.12, lines 65-66), and in that during transmission step, as many requests are transmitted as there are broadcast channels specified in the request(transmitting request, col.1, line 54).

Re claim 19, Kambayashi et al disclose wherein the request generation step comprises adding at least one selection criterion to the initial request(the broadcasting unit 1a updates, e.g., the last figure of the terminal ID, changes the terminal designation information, multiplexes terminal control information including the updated information

with a video signal, and distributes it to the audience, Col.20. lines 38-43; that means by updating the terminal ID, one parameter will be changed in the initial request).

Re claim 20, Kambayashi et al disclose the system (see fig.1, broadcasting station) comprising at least one receiver terminal for receiving audiovisual content(see fig.1, element 2, receiving unit) and at least one audiovisual content description server(see fig.1, element 1b, program database server) , the receiver terminal including means for acquiring and storing at least one initial information(see fig.24, element 2e, information storage unit) request comprising the address of at least one description server(address information necessary for transferring information or an IP address required for accessing to an internet, col.12, lines 53-55) , means for generating a request on the basis of the initial request, and means for transmitting said request to the description server(see fig.11, step 20, event ID and terminal information is received from network access unit of terminal; that means the terminal transmits a request to the description server), and in that the description server includes means for transmitting to the receiver terminal description data supplied as a function of the request(see fig.11, step 23, information read out of program DB is transferred to network access unit of terminal; that means the description data server transmits description data to the terminal) .

Re claim 21, Kambayashi et al disclose wherein the description server includes means for making an initial request available(The broadcasting station server 1c transmits information data read out of the program database 1b to the receiving terminal 2 designated by the return destination information contained in the terminal information through the communication line 4 ,step S23. The flow advances to step S30 of FIG. 10, col.14, lines 21-26; that means the server makes the information data available for the initial request).

Re claim 22, Kambayashi et al disclose wherein the system includes at least one

audiovisual content broadcast server(see fig.1, element 1c, broadcasting station server), said server including means for transmitting initial requests together with the broadcast content(the video server stores both pictures of programs to be distributed to the audience and detailed information on the contents provided by the programs, thereby distributing the pictures by request of the TV system and the detailed information on the programs, col.1, lines 34-38; the broadcasting unit 1a updates, e.g., the last figure of the terminal ID, changes the terminal designation information, multiplexes terminal control information including the updated information with a video signal, and distributes it to the audience; col.20, lines 38-42).

Re claim 23, Kambayashi et al disclose an audiovisual content broadcast server for implementing a description acquisition method(a method for using the broadcasting system having the constitution as shown in FIGS. 1, 8, 22 and 24. In the foregoing broadcasting system, information is transferred from the broadcasting station 1 mainly at audience's request, col.21, lines 45-49) comprising: a step of acquiring and storing in a receiver terminal at least one initial information(see fig.24, element 2e, information storage unit) request comprising an address(see fig.17, DATA Xia; storing channel information and address information of a broadcasting station server corresponding thereto. The section 2c-2 retrieves the destination information, referring to the table of FIG. 6, based on the channel information of the terminal information supplied from the information acquisition section 2c-1, and supplies the destination information to the server access section 2c-3, together with the event ID and terminal information, col.12, lines 41-48) of at least one audiovisual content description server(see fig.1, element 1b, program database server) ;

a step of generating at least one information request on the basis of the initial information request(both dispersion of accesses from an audience to the center and distribution of information from the center to the audience at audience's request in accordance with an amount of information, can easily be controlled, col.22, lines 15-18; that means receiver terminal sent request to server information and server information

sent response to receiver terminal);

a step in which a the receiver terminal transmits the information request to the server of audiovisual content descriptions(both dispersion of accesses from an audience to the center and distribution of information from the center to the audience at audience's request in accordance with an amount of information, can easily be controlled, col.22, lines 15-18; that means receiver terminal sent request to server information and server information sent response to receiver terminal); and

a step of the receiver terminal receiving description data supplied as a function of elements of the request(distribution of information from the center to the audience at audience's request, col.2, lines 1-3; that means the terminal receiver receives information from the database information serve);

the server including transmission means for transmitting initial requests together with the broadcast content (the video server stores both pictures of programs to be distributed to the audience and detailed information on the contents provided by the programs, thereby distributing the pictures by request of the TV system and the detailed information on the programs, col.1, lines 34-38; the broadcasting unit 1a updates, e.g., the last figure of the terminal ID, changes the terminal designation information, multiplexes terminal control information including the updated information with a video signal, and distributes it to the audience, col.20, lines 38-42).

Re claim 24, Kambayashi et al disclose wherein the transmission means are regular transmission means(transmission means for transmitting both the ID of the event and the terminal information acquired by the terminal information acquisition means to the broadcasting station server through a two-way communication line based on the destination information acquired by the destination information acquisition means(col.4, lines 49-54; that means a regular transmission where there is communication in both ways).

Re claim 25, see rejection on claim 1.

Re claim 26, Kambayashi et al disclose a step of acquiring and storing in a receiver terminal at least one initial information(see fig.24, element 2e, information storage unit) request comprising an address(see fig.17, DATA Xia; storing channel information and address information of a broadcasting station server corresponding thereto. The section 2c-2 retrieves the destination information, referring to the table of FIG. 6, based on the channel information of the terminal information supplied from the information acquisition section 2c-1, and supplies the destination information to the server access section 2c-3, together with the event ID and terminal information, col.12, lines 41-48) of at least one audiovisual content description server(see fig.1, element 1b, program database server);

a step of generating at least one information request on the basis of the initial information request(both dispersion of accesses from an audience to the center and distribution of information from the center to the audience at audience's request in accordance with an amount of information, can easily be controlled, col.22, lines 15-18; that means receiver terminal sent request to server information and server information sent response to receiver terminal);

a step in which a the receiver terminal transmits the information request to the server of audiovisual content descriptions(both dispersion of accesses from an audience to the center and distribution of information from the center to the audience at audience's request in accordance with an amount of information, can easily be controlled, col.22, lines 15-18; that means receiver terminal sent request to server information and server information sent response to receiver terminal); and

a step of the receiver terminal receiving description data supplied as a function of elements of the request(distribution of information from the center to the audience at audience's request, col.2, lines 1-3; that means the terminal receiver receives information from the database information server); the server comprising means for making an initial request available(the broadcasting station server 1c transmits information data read out of the program database 1b to the receiving terminal 2

designated by the return destination information contained in the terminal information through the communication line 4 ,step S23. The flow advances to step S30 of FIG. 10, col.14, lines 21-26; that means the server makes the information data available for the initial request).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kambayashi et al in view of Legall et al, US No. 6005565.

Re claim 9, Kambayashi et al did not disclose wherein the time interval is defined by a start date and time and by an end date and time.

In an analogous art, Legall et al disclose wherein the time interval is defined by a start date and time and by an end date and time(start time and end time, col.4, line 7).

In view of the teaching of Legall, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein the time interval is defined by a start date and time and by an end date and time into the system of Kambayashi. With such modification users had the opportunity to know to the starting and the ending point of the time interval.

Re claim 10, Kambayashi et al fail to disclose wherein the time interval is defined by a start date and time and by duration.

In an analogous art, Legall et al disclose wherein the time interval is defined by a start date and time (start time and end time, col.4, line 7) and by a duration(duration of the program, col.4, line 8).

In view of the teaching of Legall, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein the time interval is defined by a start date and time and by duration into the system of Kambayashi. Such modification gave opportunities to users to know the duration of the program in analyzing the start time and the end time.

Re claim 11, Kambayashi et al fail to disclose wherein during the request generation step, the initial request is extended by specifying keywords corresponding to the names of description elements for broadcast audiovisual content.

In an analogous art, Legall et al disclose wherein during the request generation step, the initial request is extended by specifying keywords corresponding to the names of description elements for broadcast audiovisual content(the information associated with a broadcast can be more than just a sequence of keywords. Keywords can be combined with logical syntactic operators such as AND, OR and NOT to produce boolean combinations of search terms and to provide a more intelligent query, col.5, lines 23-28).

It would have been obvious for any person of ordinary skill in the art to implement wherein during the request generation step, the initial request is extended by specifying keywords corresponding to the names of description elements for broadcast audiovisual content into the system of Kambayashi. With that modification, users will be able to associate extra terms with the name of the video content in order to make search easily.

Re claim 12, Kambayashi et al fail to disclose wherein following the step of receiving description data, the method returns to the request generation step in order to generate at least one new request associated with a new date and a new time corresponding to the end-of-broadcast date and time for the audiovisual content for which description data has just been received.

In an analogous art, Legall et al disclose wherein following the step of receiving description data, the method returns to the request generation step in order to generate at least one new request associated with a new date and a new time corresponding to the end-of-broadcast date and time for the audiovisual content for which description data has just been received (maintaining logs of searches performed for subsequent references, col.3, lines 6-7; see fig.5, element 516, edit; that means the user can update the search by adding new time to a previous search.

In view of the teaching of Legall, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein following the step of receiving description data, the method returns to the request generation step in order to generate at least one new request associated with a new date and a new time corresponding to the end-of-broadcast date and time for the audiovisual content for which description data has just been received into the system of Kambayashi. With that option, it will become easier for users to update their search by only entering a new date and time in previous searches that were stored.

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kambayashi et al in view of Kimchi et al, US No. 20020147814.

Re claim 15, Kambayashi et al did not disclose wherein the step of acquiring and storing an initial request comprises a broadcast server supplying an SDP type file corresponding to an address field of a description server.

In an analogous art, Kimchi et al disclose wherein the step of acquiring and storing an initial request comprises a broadcast server supplying an SDP type file corresponding to an address field of a description server (the devices provide a description of their capabilities to the terminal server using a protocol such as SDP, H.245, HTML, XML, IETF ConnNeg or any proprietary mean, 0078).

In view of the teaching of Kimchi, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein the step of acquiring and storing an initial request comprises a broadcast server supplying an SDP type file corresponding to an address field of a description server into the system of Kambayashi. With that option, the system will be able to provide different type of files that could correspond to an address field of a description server.

Re claim 16, Kambayashi et al did not disclose wherein the description data is supplied in the form of an XML file.

In an analogous art, Kimchi et al wherein the description data is supplied in the form of an XML file (the devices provide a description of their capabilities to the terminal server using a protocol such as SDP, H.245, HTML, XML, IETF ConnNeg or any proprietary mean, 0078).

In view of the teaching of Kimchi, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein the description data is supplied in the form of an XML file into the system of Kambayashi. with such modification, the system will have the option to present the description data in different forms of data files.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tomioka et al (US. Pat. 6606748) disclose an information

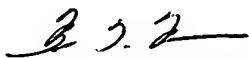
Application/Control Number:
10/528,198
Art Unit: 2623

Page 14

providing method which enables data communication costs to be reduced, and information providing system for implementing the method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST. If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jean Duclos Saintcyr
01/23/2008


Brian Pendleton
Supervisor Patent Examiner